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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 LISA MONAGHAN,

11 Plaintiff,

No. CIV 03-2019 KJM

12 vs.

13 JO ANNE B. BARNHART,
14 Commissioner of Social Security,

ORDER

15 Defendant.
16 _____/

17 Based on 42 U.S.C. § 406(b), counsel for plaintiff in the above-entitled action
18 seeks an award of attorney fees in the amount of \$7,086.68 less \$4,400.00 for EAJA fees already
19 awarded. Plaintiff's counsel has not submitted a contemporaneous log of hours claimed and a
20 justification for the hourly rate requested, as required under the scheduling order. In the absence
21 of such evidence, the court cannot assess the reasonableness of the fee requested. See Gisbrecht
22 v. Barnhart, 535 U.S. 789, 808-09 (2002) ("We hold that § 406(b) does not displace contingent-
23 fee agreements within the statutory ceiling; instead, § 406(b) instructs courts to review for
24 reasonableness fees yielded by those agreements.").

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1 Accordingly, IT IS HEREBY ORDERED that within ten days from the date of
2 this order plaintiff's counsel shall submit a contemporaneous log of hours claimed and a
3 justification for the hourly rate requested.

4 DATED: September 14, 2006.

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UNITED STATES MAGISTRATE JUDGE

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